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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AARON GREENSPAN,
Plaintiff,
v.
OMAR QAZI, SMICK ENTERPRISES, INC.,
ELON MUSK, and TESLA, INC.,
Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF AARON
GREENSPAN IN SUPPORT OF
PLAINTIFF'S APPLICATION
FOR ENTRY OF DEFAULT
AGAINST OMAR QAZI AND
SMICK ENTERPRISES, INC.**

I, Aaron Greenspan, declare as follows:

1. I filed this lawsuit against Omar Qazi, Smick Enterprises, Inc., Elon Musk and Tesla, Inc. with the Clerk of Court via e-mail on May 20, 2020, as CM/ECF is not yet equipped to process *pro se* opening documents.

2. I received the case number for the lawsuit on the morning of May 21, 2020.

3. After receiving the case number on May 21, 2020, I e-mailed Omar Qazi (who is the Chief Executive Officer of Smick Enterprises, Inc.) as well as the other defendants a link to the PlainSite docket for the case, which contains links to true and correct copies of each associated CM/ECF document.

4. Later that day, I e-mailed Omar Qazi copies of forms AO 398 and AO 399 (two copies) as part of an electronic message compliant with Federal Rule of Civil Procedure 4(d)(1).

1 5. I also e-mailed Omar Qazi the same forms addressed to Smick Enterprises, Inc. as
2 part of an electronic message compliant with Federal Rule of Civil Procedure 4(d)(1).

3 6. I also e-mailed Omar Qazi supplementary materials as required by Civil Local
4 Rule 4-2 and the Initial Case Management Scheduling Order in this case.

5 7. The e-mails did not bounce, and I have corresponded with Omar Qazi by e-mail at
6 the same e-mail address in the past.

7 8. Omar Qazi did not respond to any of my e-mails regarding waiver of service.

8 9. On May 23, 2020 at 8:53 P.M., I believe Omar Qazi posted the following on his
9 @wholemarslog (later, @wholemarsblog) Twitter account: “Call me a fanboy, mock me, sue
10 me...”

11 10. Aside from the instant suit, to the best of my knowledge, as of May 23, 2020,
12 Omar Qazi had never been sued in civil court before.

13 11. I believe this post on Twitter proves that Omar Qazi was aware of the pending
14 lawsuit against him in this Court at least as early as May 23, 2020.

15 12. On June 6, 2020, I hired M&R Process Service, LLC to personally serve Omar
16 Qazi and Smick Enterprises, Inc. with two sets of the following documents:

- 17 a) Summons (Form AO 440);
- 18 b) Complaint (with Exhibits A-M);
- 19 c) Civil Cover Sheet;
- 20 d) Order Setting Initial Case Management Conference and ADR Deadlines;
- 21 e) Order Reassigning Case;
- 22 f) Notice of Eligibility for Video Recording;
- 23 g) Reassignment Order Setting CMC;
- 24 h) Standing Order for Civil Cases Before Judge James Donato;
- 25 i) Standing Order for Civil Jury Trials Before Judge James Donato;
- 26 j) Standing Order for Discovery in Civil Cases Before Judge Donato;
- 27 k) Standing Order for All Judges of the Northern District of California;

- 1 l) Sample Joint Case Management Statement & [Proposed] Order;
- 2 m) Consent or Declination To Magistrate Judge Jurisdiction;
- 3 n) Consenting to the Jurisdiction of a Magistrate Judge Brochure.

4 13. On June 8, 2020, I was informed that on June 7, 2020 at 9:47 P.M. in San
5 Francisco, process server Erin Houck had served Omar Qazi personally and Smick Enterprises,
6 Inc. with two sets of paper copies of all of the above documents, addressed to Omar Qazi and
7 Smick Enterprises, Inc., respectively.

8 14. Omar Qazi was served on behalf of Smick Enterprises, Inc. in his capacity as
9 Chief Executive Officer of that company based on what is written on the company's website at
10 <https://www.smick.com/team.html>.

11 15. On June 9, 2020, I filed the Proof of Service forms provided to me by M&R
12 Process Service, LLC reflecting service on Omar Qazi pursuant to Federal Rule of Civil
13 Procedure 4(e)(2)(A) and reflecting service on Smick Enterprises, Inc. pursuant to Rule
14 4(h)(1)(B).

15 16. Under Federal Rules of Civil Procedure 12(a)(1)(A)(i) and 6(a)(1)(C), Defendants
16 Qazi and Smick Enterprises, Inc. were required to plead or otherwise respond to the Complaint
17 by June 29, 2020. The time to plead or otherwise respond to the complaint has not been
18 extended by any agreement of the parties or any order of the Court.

19 17. Defendant Qazi has failed to file or serve or file a pleading or otherwise respond
20 to the complaint. The applicable time limit for responding to the complaint has expired.

21 18. Defendant Qazi is not a minor or an incompetent person.

22 19. Defendant Qazi is not currently in the military service, and therefore the
23 Servicemembers Relief Act does not apply.

24 20. Defendant Smick Enterprises, Inc. has failed to file or serve or file a pleading or
25 otherwise respond to the complaint. The applicable time limit for responding to the complaint
26 has expired.

21. As a corporation, Defendant Smick Enterprises, Inc. is not a minor or an incompetent person.

22. As a corporation, Defendant Smick Enterprises, Inc. is not currently in the military service, and therefore the Servicemembers Relief Act does not apply.

23. As Exhibits A and B, I have attached to this declaration true and correct copies of the proofs of service on file with this Court for the above-named Defendants.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct and that this declaration was executed on July 7, 2020 in San Francisco, California.

Dated: July 7, 2020

Aaron Greenway

Aaron Greenspan

EXHIBIT A

Proof of Service on Omar Qazi, Effective June 7, 2020

Case 3:20-cv-03426-JSC Document 5 Filed 05/21/20 Page 6 of 8

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 3:20-cv-03426-JSC

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Omar Qazi.
was received by me on *(date)* 6.6.2020

I personally served the summons on the individual at *(place)* 2625 Hyde Street San Francisco, CA 94109
on *(date)* 6.7.2020; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):*

My fees are \$ 105.00 for travel and \$ _____ for services, for a total of \$ 105

I declare under penalty of perjury that this information is true.

Date: 6.9.2020

Select an area to comment on ➔

Erin Houck
Server's signature

Independent Contractor of a
Licence Process Server Company
M&R Process Service, LLC
Owner Maurice Robinson
Solano County Reg # 110394

Erin Houck
Printed name and title

P.O.Box 277084 Sacramento, CA 95827 888.228.3028
Server's address

Additional information regarding attempted service, etc:

EXHIBIT B

Proof of Service on Smick Enterprises, Inc., Effective June 7, 2020

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AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Smick Enterprises, INC
was received by me on (date) 6.6.2020

I personally served the summons on the individual at (place) 2625 Hyde Street San Francisco, CA 94109
on (date) 6.7.2020; or

I left the summons at the individual's residence or usual place of abode with (name)
, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) Omar Qazi, who is
designated by law to accept service of process on behalf of (name of organization) Smick Enterprises, INC
on (date) 6.7.2020; or

I returned the summons unexecuted because _____; or

Other (specify): _____

My fees are \$ 105.00 for travel and \$ _____ for services, for a total of \$ 105

I declare under penalty of perjury that this information is true.

Date: 6.9.2020

Select an area to comment on

Erin Houck
Server's signature

Erin Houck
Printed name and title

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Server's address

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